



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
DATED : 07.09.2021
CORAM

THE HONOURABLE MRS. JUSTICE **T.KRISHNAVALLI**

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Crl.R.C(MD)No.607 of 2021

Arockia Daisy ... Petitioner/Owner of the Vehicle

Vs.

- 1.The State Rep. by
The Inspector of Police,
Thondi Police Station,
Ramanathapuram District.
(Cr.No.44 of 2021)
- 2.The Revenue Divisional Officer,
Ramanathapuram.
- 3.The Assistant Director,
Geology and Mining Department,
Collectorate Complex,
Ramanathapuram.
- 4.The Tahsildar,
Taluk Office,
Thiruvadanai.

...Respondents/Respondents

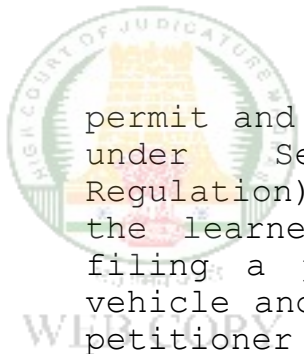
Prayer : This Criminal Revision has been filed under Section 397 r/w 401 of Criminal Procedure Code, to call for the records pertaining to the order passed in Cr.M.P.No.980 of 2021, dated 06.07.2021 on the file of the Principal Sessions Judge, Ramanathapuram to set aside and modify the onerous conditions of 3rd and pass such other or further orders as this Hon'ble Court may deem fit and proper in the circumstances of the case.

For Petitioner : Ms.Prabha For M/s.Balasubramanian.P
For Respondents : Mr.RMS.Sethuraman
Counsel for State Government (Crl.side)

O R D E R

This petition has been filed to modify the condition No.3 imposed by the learned Principal Sessions Judge, Ramanathapuram in the order passed in Cr.M.P.No.980 of 2021, dated 06.07.2021.

2.The petitioner claims to be the owner of the Bolero Maxi Truck bearing Registration No.TN-63-AX-7166. The respondent police intercepted the vehicle of the petitioner and seized the same on the ground that it was used for carrying illegal sand without any valid



permit and registered a case in Crime No.44 of 2021 for the offence under Section 21(1) of Mines and Minerals (Development and Regulation) Act, 1957. Subsequently, the petitioner has approached the learned Principal Sessions Judge, Ramanathapuram, by way of filing a petition in Cr.M.P.No.980 of 2021 for release of the vehicle and the learned judge has allowed the petition filed by the petitioner by its order dated 06.07.2021, by imposing the 3rd condition to the effect that the petitioner should deposit a sum of Rs.60,000/- to the credit of the District Minerals Foundation Trust, Ramanathapuram, and the petitioner should produce the receipt for the deposit of the same from the concerned Authority at the time of furnishing security before the trial Court. Challenging the condition imposed by the trial Court, the petitioner is before this Court with this criminal revision.

3.Heard the learned counsel appearing on either side and perused the materials available on record.

4.The only grievance of the petitioner is that the 3rd condition imposed by the learned Principal Sessions Judge, Ramanathapuram is onerous.

5.In view of that, this Criminal Revision is allowed. The order of the learned Principal Sessions Judge, Ramanathapuram, made in Cr.M.P.No.980 of 2021, dated 06.07.2021 is modified in respect of the condition No.3 alone and it is modified to the effect that the petitioner shall deposit a sum of Rs.30,000/- (Rupees Thirty Thousand only) to the credit of the District Minerals Foundation Trust, Ramanathapuram and the petitioner shall produce the receipt for the deposits of the same from the concerned Authority at the time of furnishing security before the trial Court. In respect of other conditions, the order of the learned Principal Sessions Judge, Ramanathapuram, shall remain unaltered.

Sd/-

Assistant Registrar (CS-II)

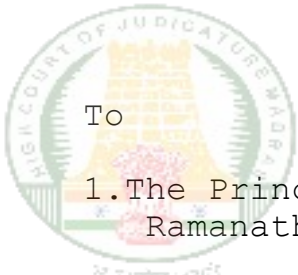
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/ /2021

Sub Assistant Registrar(CS)

vsd

Note: In view of the present lock down owing to COVID-19 pandemic, a web copy of the order may be utilized for official purposes, but, ensuring that the copy of the order that is presented is the correct copy, shall be the responsibility of the advocate/litigant concerned.



To

- 1.The Principal Sessions Judge,
Ramanathapuram.
- 2.The Inspector of Police,
Thondi Police Station,
Ramanathapuram District.
- 3.The Revenue Divisional Officer,
Ramanathapuram.
- 4.The Assistant Director,
Geology and Mining Department,
Collectorate Complex,
Ramanathapuram.
- 5.The Tahsildar,
Taluk Office,
Thiruvadanai.
- 6.The District Minerals Foundation Trust,
Ramanathapuram.

Crl.R.C (MD) No.607 of 2021
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RD(15.09.2021) 3P 7C